



Patent
Attorney Docket: 032,290-068
(END 5450USNP)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Marion et al.

Serial No.: 10/714,126

Filed: November 13, 2003

For: DEVICES AND METHODS FOR
CONTROLLING INITIAL MOVEMENT OF
AN ELECTROSURGICAL ELECTRODE

Group Art Unit: 3739

Examiner: Alex B. Toy

TERMINAL DISCLAIMER

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

I, Diane K. Wong, represent that I am an attorney of record for the above-identified application. Artemis Medical, Inc. (hereinafter referred to as "Artemis") is the owner of 100% interest in the above-identified invention by virtue of assignment from the inventors to Artemis. The assignment was recorded in the Patent and Trademark Office on May 17, 2004, on Reel 015390, Frame 0249.

In the event that a patent granted on U.S. Application Serial No. 11/003,267 issues before any patent granted on the above-identified application, then Artemis hereby disclaims the terminal part of any patent granted on the above-identified application that would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Serial No. 11/003,267. Moreover, Artemis hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent granted on pending reference Application

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CERTIFICATE OF MAILING (37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450.

December 7, 2005
Date of Deposit
NB1:670356.1

Cynthia B. Pacheco
Cynthia B. Pacheco

Serial No. 11/003,267, this agreement to run with any patent granted on the above-identified application and to be binding upon Artemis, its successor, or assigns.

Artemis does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of any patent granted on pending reference Application Serial No. 11/003,267 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

In the event that a patent granted on U.S. Application Serial No. 11/003,267 issues after any patent granted on the above-identified application, then this Terminal Disclaimer is null and void and has absolutely no legal effect.

The Commissioner is hereby authorized to charge \$ 65.00 to Deposit Account No. 50-2862 for the above fee(s). If any additional fees are necessitated by the filing of this document, please charge Deposit Account No. 50-2862.

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: December 7, 2005

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